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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



THOMAS D. WATKINS, JR.
SUPERINTENDENT OF
PUBLIC INSTRUCTION

Memorandum

TO: State Board of Education

FROM: Thomas D. Watkins, Jr., Chairman

DATE: May 7, 2003

SUBJECT: Report on Administrative Rule Waivers

At its June 19, 1996, meeting the State Board of Education approved the process for waivers of Administrative Rules. Section 1281(3) of The Revised School Code of 1996 took effect on July 1, 1996. This section provides for a limited time waiver of a State Board or Department rule to a school district, public school academy, university school, or intermediate school district for the purpose of serving the intent of the rule in a more effective, efficient, or economical manner or to stimulate improved pupil performance in Michigan schools.

The approved process includes: (1) the ability to file an independent or joint application with responsibility for oversight at each participating local board of education; (2) the necessity to complete a separate application for each rule for which a waiver is being requested; (3) a description of how the district will address the intent of the rule/statute in a more effective, efficient, or economical manner or how the waiver will be implemented to stimulate improved pupil performance; (4) a description of who and how interested parties were notified and involved in the application process; e.g., teachers, parents, community, others; and (5) a plan for addressing issues of local accountability and how the applicant will document that the waiver continues to meet the criteria in the application, does not compromise equal opportunities for learning, and is not detrimental to the educational interests of any pupils, as required by the Act.

Attachment A provides information on the waivers approved by the Superintendent since April 24, 2003, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

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0893-03 - OSE/EIS Calhoun Intermediate School District

Exemptions: N/A

Administrative Rule: 340.1738 (b) - Severe cognitive impairment

Waiver Synopsis:

Allow program to operate for 212 days, 6 hours of summer instruction during the summer (total hours = 1425).

District Rationale:

- Increase in school attendance.
- Clock hour requirements will be met/exceeded.
- Staff participation in professional development activities.
- At no time will students be out of school for a time exceeding one week.

Action:

Approve, noting that the instructional program will have no breaks greater than 1 week. Upon completion of the waiver period, the parents/guardians must be surveyed to determine their satisfaction. The results of that survey will be forwarded to the Department of Education to be used in assessing the viability of the model.

Recommended waiver period:

Department approval to the end of 2003 summer education program

0894-03 - OSE/EIS Calhoun Intermediate School District

Exemptions: N/A

Administrative Rule: 340.1748 (2) - Programs for students with severe multiple impairments

Waiver Synopsis:

Allow program to operate for 212 days, 6 hours of summer instruction during the summer (total hours = 1425).

District Rationale:

- Increase in school attendance.
- Clock hour requirements will be met/exceeded.
- Staff participation in professional development activities.
- At no time will students be out of school for a time exceeding one week.

Action:

Approve, noting that the instructional program will have no breaks greater than 1 week. Upon completion of the waiver period, the parents/guardians must be surveyed to determine their satisfaction. The results of that survey will be forwarded to the Department of Education to be used in assessing the viability of the model.

Recommended waiver period:

Department approval to the end of 2003 summer education program

0892-03- OSE/EIS Cheboygan-Otsego-Presque Isle Educational Service District

Exemptions: None

Administrative Rule: 340.1738 (b) - Programs for students with severe cognitive impairment

Waiver Synopsis:

Replace the 230-requirement for SCI classrooms from 230 to a minimum of 209 days and keeping the minimum of 1,150 clock hours of instruction requirement.

District Rationale:

- Decrease the amount of time spent on the bus and decrease cost of transportation by 2 days/week during the summer
- Four families will send their children to school in the summer if waiver is approved; PAC supports

Action:

Approve for a period of one summer, noting that the instructional program will have no breaks greater than 2 consecutive weeks. Upon completion of the program, the parents/guardians must be surveyed to determine their satisfaction. The results of that survey will be forwarded to the Department of Education to be used in assessing the viability of the model.

Recommended waiver period:

Department approval to the end of 2003 summer education program

R/0863-03- OSE/EIS Manistee Intermediate School District

Exemptions: None

Administrative Rule: 340.1738 (b) - Severe cognitive impairment

Waiver Synopsis:

Allow program to operate 211 days, 6.25 hours of instruction during the summer (total hours = 1291.75).

District Rationale:

- Longer student hours during the summer.
- Allows community based learning opportunities.
- In previous summers, staff attendance was less than desired and hiring substitute teachers and teacher aides was difficult.
- Students receive 141.75 more hours of instruction.

Action:

Approve, noting that the instructional program will have no breaks greater than 2 consecutive weeks.

Recommended waiver period:

July 1, 2003 through June 30, 2006

0895-03 - OSE/EIS Saginaw Intermediate School District

Exemptions: None

Administrative Rule: 340.1747 - Programs for students with specific learning disabilities

Waiver Synopsis:

Increase at the elementary level to not more than an 18-student caseload. Add an aide where there are 12 or more students in the class at one time and not exceed 15 students in the class at any one time.

District Rationale:

- Flexibility regarding scheduling and implementing appropriate programs.
- Increase emphasis on LRE.
- Larger group environment prepares students for general classrooms and enhances probability for success in general curriculum.

Action:

Approve with modification. Allow an increase in total student caseload to 18, with a maximum of 15 in a classroom at any one time, add an aide when 11 or more students are present.

Recommended waiver period:

July 1, 2003 through June 30, 2006

0896-03 - OSE/EIS Saginaw Intermediate School District

Exemptions: None

Administrative Rule: 340.1749 a(2) - Elementary level resource program

Waiver Synopsis:

Increase to no more than 20 total caseload, 2 evaluations, and 12 students at one time.

District Rationale:

- Increased emphasis on LRE
- Larger group environment prepares students for general education classrooms and enhances probability for success.

Action:

Approve

Recommended waiver period:

July 1, 2003 through June 30, 2006

0897-03-OSE/EIS Saginaw Intermediate School District

Exemptions: None

Administrative Rule: 340.1749 b(2) - Secondary level resource program

Waiver Synopsis:

Increase to no more than 15 students at one time, 23 total caseload, and serve not more than an average of 12 students per class period per instructional day.

District Rationale:

- Co-teaching in regular education classrooms pulls special education teachers into a classroom rather than pulling students out which frees up special education teachers to serve additional special education students.
- Departmentalization is being utilized by most school districts enabling special education teachers to serve greater numbers of students.
- Class sizes of no more than ten students at one time restricts scheduling options for changing individual needs of students as the school year progresses.

Action:

Approve

Recommended waiver period:

July 1, 2003 through June 30, 2006

R/0146-03-OSE/EIS Saginaw Intermediate School District

Exemptions: None

Administrative Rule: 340.1745 (c) - Services for students with speech and language impairment

Waiver Synopsis:

Maintain caseload of 60; eliminate students being evaluated from the caseload.

District Rationale:

- Allows service to more students.
- Students are meeting goals and objectives and are testing out of speech.

Action:

Approve

Recommended waiver period:

July 1, 2003 through June 30, 2006

R/0148 -03- OSE/EIS Saginaw Intermediate School District

Exemptions: None

Administrative Rule: 340.1747 - Programs for students with specific learning disabilities

Waiver Synopsis:

At secondary level, increase total student caseload to 18, no more than 15 students at one time.
Assignment of an aide when the program has 12 or more students in the classroom at one time, except when the teacher is involved in a departmentalized program.

District Rationale:

- With the emphasis on LRE, this allows students to learn in larger groups better preparing them for general education classrooms.
- Allows students to stay in neighborhood schools.

Action:

Approve

Recommended waiver period:

July 1, 2003 through June 30, 2006

R/0154 -03- OSE/EIS Saginaw Intermediate School District

Exemptions: None

Administrative Rule: 340.1749 c(4) - Departmentalization of secondary special education programs

Waiver Synopsis:

Increase to not more than an average of 12 students per class period per instructional day; however, no more than 15 students may be in a classroom at any one time.

District Rationale:

- With emphasis on LRE, students are included in more general education classes.
- Students are still meeting their goals and objectives.

Action:

Approve

Recommended waiver period:

July 1, 2003 through June 30, 2006

R/0545-03- OSE/EIS St. Clair Intermediate School District

Exemptions: None

Administrative Rule: 340.1738 (b) - Severe cognitive impairment

Waiver Synopsis:

Eliminate the requirement of 230 days, but maintain the requirement of 1,150 hours of instruction. Allow a redesigned summer program, which would operate four hours per day, four days per week, for eight weeks.

District Rationale:

Options for relocation of summer school program were explored and suitable arrangements for the medically fragile and seizure disorder student population were not available.

Action:

Approve. Any renewal request must be accompanied by a thorough justification of any breaks more than two weeks. The 2003 waiver was approved based on the extraordinary circumstances with asbestos abatement in the building.

Recommended waiver period:

Department approval to the end of 2003 summer education program

R/0563 -03- OSE/EIS St. Clair Intermediate School District

Exemptions: None

Administrative Rule: 340.1748 (2) - Programs for students with severe multiple impairments

Waiver Synopsis:

Eliminate the requirement of 230 days, but maintain the requirement of 1,150 hours of instruction. Allow a redesigned summer program, which would operate four hours per day, four days per week, for eight weeks.

District Rationale:

Options for relocation of summer school program were explored and suitable arrangements for the medically fragile and seizure disorder student population were not available.

Action:

Approve. Any renewal request must be accompanied by a thorough justification of any breaks more than two weeks. The 2003 waiver was approved based on the extraordinary circumstances with asbestos abatement in the building.

Recommended waiver period:

Department approval to the end of 2003 summer education program